

BADDERS *v.* UNITED STATES.

ERROR TO THE DISTRICT COURT OF THE UNITED STATES FOR
THE DISTRICT OF KANSAS.

No. 521. Argued February 23, 24, 1916.—Decided March 6, 1916.

Congress has power to regulate the overt act of putting a letter into the post office of the United States; and may prohibit, under penalty, such an act when done in furtherance of a scheme which it regards as contrary to public policy, whether it can forbid the scheme or not, and so *held* as to Criminal Code, § 215.

Intent may make criminal an act, otherwise innocent, if it is a step in a plot.

Congress may enact that each putting of a letter in a post office is a separate offense.

The punishment imposed in this case on each of five counts, of five years, the periods being concurrent and not cumulative, and a fine of \$1,000 on each of seven counts, *held* not to be cruel and unusual within the prohibition of the Federal Constitution.

This court condemns the extravagant and unnecessary multiplication of exceptions and assignments of error.

THE facts, which involve the construction and constitutionality of § 215, Criminal Code, and the validity of a conviction and sentence thereunder, are stated in the opinion.

Mr. James H. Harkless, with whom *Mr. D. R. Hite* and *Mr. Clifford Histed* were on the brief, for plaintiff in error:
Section 215 of the Criminal Code as applied to the in-